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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS Arizona Corporation Commission

DOUG LITTLE – Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

DOCKETED

OCT 21 2016

AZ CORP COMMISSION  
DOCKET CONTROL

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DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
HEARING TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE COMPANY  
FOR RATEMAKING PURPOSES, TO FIX A JUST  
AND REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE SCHEDULES  
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED  
POWER PROCUREMENT AUDITS FOR ARIZONA  
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

**PROCEDURAL ORDER**  
**RESCHEDULING PRE-HEARING**  
**CONFERENCE**

**BY THE COMMISSION:**

On June 1, 2016, Arizona Public Service Company ("APS" or "Company") filed with the Arizona Corporation Commission ("Commission") the above-captioned Rate Case Application.

Parties who have previously been granted intervention in this docket are Richard Gayer, Patricia Ferré, Warren Woodward, IO Data Centers, LLC ("IO"), Freeport Minerals Corporation ("Freeport"), Arizonans for Electric Choice and Competition ("AECC"), Sun City Home Owners Association ("Sun City HOA"), Western Resource Advocates ("WRA"), Arizona Investment Council ("AIC"), Arizona Utility Ratepayer Alliance ("AURA"), Property Owners and Residents Association, Sun City West ("PORA"), Arizona Solar Energy Industries Association ("AriSEIA"), Arizona School Boards Association ("ASBA") and Arizona Association of School Business Officials ("AASBO") (collectively "ASBA/AASBO"), Cynthia Zwick, Arizona Community Action Association ("ACAA"), Southwest Energy Efficiency Project ("SWEEP"), the Residential Utility Consumer Office ("RUCO"), Vote Solar, Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, "ED8/McMullen"), The Kroger Co. ("Kroger"), Tucson Electric Power Company ("TEP"), Pima County, Solar Energy Industries Association ("SEIA"), the Energy Freedom

1 Coalition of America (“EFCA”), Wal-Mart Stores, Inc. and Sam’s West, Inc. (collectively,  
2 “Walmart”), Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-  
3 CIO (collectively, “the IBEW Locals”), Noble Americas Energy Solutions LLC (“Noble Solutions”),  
4 the Arizona Competitive Power Alliance (“the Alliance”), Electrical District Number Six, Pinal  
5 County, Arizona (“ED 6”); Electrical District Number Seven of the County of Maricopa, State of  
6 Arizona (“ED7”), Aguila Irrigation District (“AID”), Tonopah Irrigation District (“TID”); Harquahala  
7 Valley Power District (“HVPD”); Maricopa County Municipal Water Conservation District Number  
8 One (“MWD”) (collectively, “Districts”); the Federal Executive Agencies (“FEA”); Constellation New  
9 Energy, Inc. (“CNE”); and Direct Energy, Inc. (“Direct Energy”).

10 On June 14, 2016, APS filed a Notice of Errata.

11 On June 17, 2016, ACAA filed a Consent to Email Service.

12 On June 23, 2016, APS filed its Second Notice of Errata.

13 On June 24, 2016, APS filed a copy of the notice it provided to parties of record of the Rate  
14 Case Technical Conferences scheduled for July 20, 2016, August 23, 2016, September 29, 2016, and  
15 October 26, 2016.

16 On July 1, 2016, the Commission’s Utilities Division (“Staff”) issued a Letter of Sufficiency  
17 pursuant to Arizona Administrative Code (“A.A.C.”) R14-2-103, classifying APS as a Class A utility.

18 On July 5, 2016, Kroger filed a Consent to Email Service.

19 On July 22, 2016, a Rate Case Procedural Order was issued setting the procedural schedule and  
20 associated procedural deadlines for this matter, granting several interventions, and granting several  
21 requests to receive service by email.

22 On August 1, 2016, a Procedural Order was issued granting Staff’s request to consolidate the  
23 above-captioned dockets,<sup>1</sup> correcting typographical errors in the July 22, 2016 Rate Case Procedural  
24 Order, granting interventions, and granting requests to receive service by email.

25 On August 5, 2016, APS filed a Motion for Clarification and Extension of Time.

26 On August 9, 2016, a Procedural Order was issued granting APS’s Motion for Clarification and  
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28 <sup>1</sup> Docket No. E-01345A-16-0123 was opened on April 11, 2016.

1 Extension of Time. The Procedural Order also granted several interventions and approved a consent  
2 to email service.

3 On August 24, 2016, APS filed a copy of the presentation from its second Rate Case Technical  
4 Conference.

5 On August 25, 2016, Correspondence from Commissioner Bob Burns was filed in the docket.

6 On September 6, 2016, Warren Woodward filed two sets of comments.

7 On September 9, 2016, APS filed correspondence regarding subpoenas dated August 25, 2016.

8 On September 9, 2016, APS filed a Motion to Sever.

9 On September 9, 2016, APS filed a Motion to Quash, or in the Alternative, to Decline to Hear.

10 On September 12, 2016, APS filed correspondence regarding subpoenas dated August 25, 2016.

11 On September 13, 2016, APS filed an Affidavit of Publication and Proof of Mailing.

12 On September 13, 2016, Correspondence from Commissioner Bob Burns was filed in the  
13 docket.

14 On October 3, 2016, EFCA filed a Notice of Deposition of Barbara D. Lockwood.

15 On October 6, 2016, APS filed a Motion for Procedural Conference and Interim Protective  
16 Order.

17 On October 12, 2016, AARP filed an Application to Intervene and a Motion to Associate  
18 Counsel *Pro Hac Vice* to associate John B. Coffman as counsel for AARP in this matter pursuant to  
19 Arizona Supreme Court Rule 38(a)(3)(C).

20 On October 12, 2016, EFCA filed its Response to Motion for Procedural Conference and  
21 Interim Protective Order.

22 On October 13, 2016, Warren Woodward filed comments.

23 On October 14, 2016, Warren Woodward filed a Response to Chariman Little's October 4, 2016  
24 Memorandum and Call for Recusal.

25 On October 14, 2016, a Procedural Order was issued granting APS's request for an interim  
26 protective order regarding EFCA's October 3, 2016 Notice of Deposition, and setting a procedural  
27 conference to be held on October 20, 2016 for the purpose of discussing discovery issues, including  
28 but not limited to the deposition of APS witness Barbara D. Lockwood.

1 On October 17, 2016, APS filed a Consent to Email Service.

2 On October 18, 2016, APS filed its Reply in Support of Motion for Procedural Conference and  
3 Interim Protective Order.

4 On October 18, 2016, Correspondence from Chairman Doug Little was filed in the docket.

5 On October 19, 2016, FEA and Vote Solar each filed a Consent to Email Service.

6 On October 19, 2016, AURA filed its Response in Support of the Notice of Deposition.

7 On October 20, 2016, a procedural conference was held as scheduled by the Procedural Order  
8 issued October 14, 2016. APS, EFCA, TEP, Walmart, Freeport Minerals, AECC, Noble Solutions,  
9 CNE, Direct Energy, PORA, the Alliance, RUCO, and Staff appeared through counsel or lay  
10 representative. APS, Noble Solutions, CNE, Direct Energy, EFCA, and Staff provided comments and  
11 arguments regarding discovery issues, and the matter was taken under advisement.

12 Numerous public comments have been filed.

13 Intervention Request

14 No objections have been filed to AARP's request to intervene, and it should therefore be  
15 granted.

16 Request to Participate *Pro Hac Vice*

17 The Motion filed by Ann-Marie Anderson requesting authority to associate John B. Coffman  
18 *pro hac vice* as counsel for AARP in this matter lists Ms. Anderson as the designated member of the  
19 Arizona State Bar with whom communication may be made, and upon whom papers should be served.  
20 Attached to the filing is a copy of the verified Application for Appearance *Pro Hac Vice* filed with the  
21 State Bar of Arizona for Mr. Coffman; a copy of the certificate of good standing from the jurisdiction  
22 in which he has been admitted to practice law; and a copy of the Notice of Receipt of Complete  
23 Application from the State Bar of Arizona.

24 In the discretion of the Commission, Mr. Coffman should be permitted to appear and participate  
25 *pro hac vice* in this matter on behalf of AARP.

26 Incomplete Consents to Service by Email

27 ACAA, Kroger, APS, and FEA have each filed a Consent to Email Service. However, they  
28 have not completed all of the steps for approval of Consent to Email Service in this docket. Once these

1 parties have sent a verifying email from their designated email address, their Consents to Email Service  
2 will be approved.

3 Modification of Date for Pre-Hearing Conference

4 It is necessary to change the date set for the pre-hearing conference from March 20, 2017, to  
5 March 13, 2017.

6 IT IS FURTHER ORDERED that the **pre-hearing conference** currently scheduled to be held  
7 on March 20, 2017, at 10:00 a.m., is hereby **re-scheduled to be held on March 13, 2017, at 2:00 p.m.,**  
8 at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona  
9 85007.

10 IT IS FURTHER ORDERED that AARP is hereby granted intervention.

11 IT IS FURTHER ORDERED that John B. Coffman is admitted *pro hac vice* in the above-  
12 captioned matter.

13 IT IS FURTHER ORDERED that Mr. Coffman's address for service of papers and other  
14 communication is:

15 John B. Coffman  
16 JOHN B. COFFMAN, LLC  
17 871 Tuxedo Blvd.  
St. Louis, MO 63119-2044

18 IT IS FURTHER ORDERED that the address for service of papers and other communication  
19 for the Arizona-licensed attorney designated as local counsel for Mr. Coffman is:

20 Ann-Marie Anderson  
21 WRIGHT WELKER & PAUOLE, PLC  
10429 South 51<sup>st</sup> Street, Suite 285  
Phoenix, AZ 85044

22 IT IS FURTHER ORDERED that the requests by Arizona Community Action Association, The  
23 Kroger Company, Arizona Public Service Company, and the Federal Executive Agencies to receive  
24 service of all filings in this docket via their designated email addresses rather than via U.S. Mail, are  
25 incomplete and cannot yet be approved, because they have not yet sent a verifying email from their  
26 respective designated email addresses.

27 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
28 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona

Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled for discussion, unless counsel has previously been granted permission to withdraw by the Administrative Law Judge or the Commission.

IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized Communications) applies to this proceeding and shall remain in effect until the Commission's Decision in this matter is final and non-appealable.

IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case Procedural Order** issued in this matter on **July 22, 2016**, for additional information regarding the process to consent to service by email. Information regarding Consent to Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email Service Consent."

IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 21<sup>st</sup> day of October, 2016.



TEENA JIBILIAN  
ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE

On this 21<sup>st</sup> day of October, 2016, the foregoing document was filed with Docket Control as a Procedural Order that Reschedules a Pre-Hearing, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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